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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/386,775	08/31/1999	LASZLO ERDELY JR.	00-VE13.51	1784

32127 7590 07/17/2007

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EXAMINER	
TIEU, BINH KIEN	
ART UNIT	**PAPER NUMBER**
2614	

NOTIFICATION DATE	DELIVERY MODE
07/17/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	09/386,775	ERDELY ET AL.	
	Examiner	Art Unit	
	BINH K. TIEU	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 April 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *19-21* is/are allowed.

6)☒ Claim(s) *1-7, 9-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-3, 6-7, 11-15 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art ("AAPA") in view of Williams (US Pat. #: 5,550,901, ***as cited in the previous Office Action***).

Regarding claims 1, 2, 17 and 18, the AAPA teaches, in figure 1 and in the "Background of the Invention" on pages 1-3 of the Specification, a system and a method of providing digital communications between a central office and a customer premises comprising the feature of

placing a local loop generation mechanism in series with a communication path between the central office and the customer.

It should be noticed that the AAPA fails to clearly teach a frequency-selective filter placed in parallel with the local loop generation mechanism so as to provide a bypass path across the local loop generation mechanism. However, Williams teaches an adapter circuit 18, as shown in figure 1, comprising a band-reject filter 33. The band-reject filter 33 is a passive LC network and capacitor C6, as shown in figure 2, in connected parallel with the links 22 and 25 as shown in figure 1, wherein the links 22 and 25 read on the local loop generation mechanism in series with a communication path (i.e., in series with local loop 12 and telephone loop 14) between the central office and the customer (see col.3, line 54 through col.4, line 31; col.5, line 52 through col.6, line 36). It is also noticed that the DTMF signals and communications on the local loop containing second frequency range. A DTMF detector is used and shown in figure 4 for a purpose of attenuating (voiceband and DTMF) signals carrying in the voiceband frequency range outside the designed voice band and for eliminating undersigned voice band signals generated from other PBX telephones in communications.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of the band-reject filter 33 in parallel connection with a local loop generation mechanism in series with a communication path between the central office and the customer, as taught by Williams, into view of AAPA in order to eliminate interruption of communications between the customer and the central office when other terminal is put in use.

Regarding claims 3, 6-7 and 11-15, the obvious combination of the AAPA and the Williams teach and render the limitations of the claims.

4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art ("AAPA") in view of Williams (US Pat. #: 5,550,901) as applied to claim 2 above, and further in view of Hansen et al. (US. Pat. #: 5,255,267, ***also cited in the previous Office Action***).

Regarding claims 4 and 5, the AAPA and Williams teaches all subject matters as claimed except for the filter is a bandpass filter or high pass filter, as argued by the Applicants in their remarks. However, Hansen et al. ("Hansen") teaches such filters in col.3, lines 9-39 for a purpose of bypassing RF broadband and baseband data signals.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of the filter to be the bandpass filter or high pass filter, as taught by Hansen into view of AAPA and Williams in order to bypass the broadband data signals as well as voice data signals.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art ("AAPA") in view of Hansen et al. (US Pat. #: 5,255,267).

Regarding claim 16, the AAPA teaches, in figure 1 and in the "Background of the Invention" on pages 1-3 of the Specification, a system and a method of providing digital communications between a central office and a customer premises comprising the feature of

placing a local loop generation mechanism in series with a communication path between the central office and the customer.

It should be noticed that the AAPA fails to clearly teach a frequency-selective filter placed in parallel with the local loop generation mechanism so as to provide a bypass path across the local loop generation mechanism with two different frequency ranges wherein the second frequency range being generated by a local loop. However, Hansen teaches such features in col.3, lines 9-39 for a purpose of bypassing RF broadband and baseband data signals.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of the features of a frequency-selective filter placed in parallel with the local loop generation mechanism so as to provide a bypass path across the local loop generation mechanism with two different frequency ranges wherein the second frequency range being generated by a local loop, as taught by Hansen, into view of AAPA in order to bypass the broadband data signals as well as voice data signals.

Allowable Subject Matter

6. Claims 19-21 are allowed.

Response to Arguments

7. Applicant's arguments filed 04/19/2007 have been fully considered but they are not persuasive.

A/. In response to the Applicants stated on pages 7-11 wherein the Applicants argued that a frequency-selected filter is ***connected*** in parallel with the local loop generation mechanism

to provide a bypass across the local loop generation mechanism, while the limitations recited "placing a frequency-selective filter..."

From the Webster's II dictionary defines the term "***placing***" as "***to put in a particular location***" and the term "***connecting***" as "to joint or fasten together" or "to joint to a communication circuit." Thus, the term "placing" in the claims, i.e., claim 1, is ***not*** required a filter to be connected to other communication circuit. Therefore, the Examiner interprets the limitations of claims into teachings of Williams reference as followings:

In figure 1 (William reference), conductors 22 and/or jumper 25 are considered as a local loop mechanism in series between telephone 26 and a central office (i.e., PBX 10, etc.). The filter 33 is placed (either with or ***without*** connection with other communication circuit) in parallel to connector 22 and/or jumper 25 (which read on "**parallel with the local loop generation mechanism**"). In a conference mode, switches 20a and 20b are switched and ***connected*** to the filter 33, in this mode, the conductor 28 and subscriber line 12 is ***connected*** through the filter 30 which "**provides a bypass path across the local loop generation mechanism**" (i.e., bypassing the connectors 22). Therefore, Williams clearly teaches the limitations of "***placing*** **a frequency-selective filter** (filter 33) **in parallel with the local loop generation mechanism** (conductors 22 and jumper 25) **to provide a bypass path across the local loop generation mechanism** (in a conference mode, switches 20a and 20b are connected to filter 33 with established a bypass path between conductors 28 and link 12)"

B/. In response to the Applicants' arguments from pages 12-13 regarding to the high-pass filter and bandpass filters usage recited in claims 4 and 5. It is noted that the rejection under 103 in combination of teachings of Williams and Hanson. The Examiner cited the Hanson to

teach use of highpass and bandpass filters to filter out signals with designed frequencies of signals. It is known to those killed in the art that different types of filters, i.e., lowpass filters, bandpass filters, highpass filters can be used in different telecommunications circuits, such as in a central office, adapter, xDSL splitters, network interface, subscriber interface, etc. therefore, they are obvious to be used in an interface such as "local loop generation mechanism." as well.

C/. In response to the Applicants' arguments stated on pages 13-14 regarding to the rejection of claim 16 wherein the Applicants stated as followings:

> "...***Hanson does not disclose or even contemplate as "local loop".***" ***Moreover, Neither AAPA nor Hansen disclose "to provide for the interruption of the communications on the first frequency range while maintaining communications on the second frequency range***"..."

The Examiner respectfully disagrees with the Applicants' arguments as stated above. Applicants should be noted that the rejection of claim 16 based on combination AAPA and Hanson under 103 rejection. Therefore, the features of a "local loop" can be found in teachings of the AAPA. It is also well-known to those in the art that any filters, lowpass, highpass or bandpass filter conned to a transmission link is used to filter a particular frequency signals. For examples, lowpass filter (LPF) prevents high frequency signals from passing through, or highpass filter (HPF) prevents lowpass frequency signals from passing through a circuit. Thus, in Hanson, the HPF and LPFs performed to ***interrupt*** lowpass and highpass signals transmitted between a network port, a repeater and a bridge.

With all remarks addressed to the Applicants' arguments above, the Examiner believed that the rejections of the claims as set forth in the previous Office Action, as well as in this Office Action have been proper and permissible on the merit.

8. THIS ACTION IS MADE FINAL. **Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).**

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

Any response to this final action should be mailed to:
Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231
Or faxed to:
(703) 872-9314 or (571) 273-8300 (for formal communications; please mark "EXPEDITED PROCEDURE")
Or:
If it is an informal or draft communication, please label "PROPOSED" or "DRAFT")
Hand Carry Deliveries to:
Customer Service Window
(Randolph Building)
401 Dulany Street
Alexandria, VA 22314

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN**

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/**BINH K. TIEU**/
Primary Examiner
Art Unit 2614

Date: June 2007